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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,542	12/17/2001	Brian Antoine	45614/PAN/X2/134065	2823

35114 7590 09/12/2005

ALCATEL INTERNETWORKING, INC.  
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EXAMINER
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BILGRAMI, ASGHAR H

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 09/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/023,542

Applicant(s)

ANTOINE ET AL.

Examiner

Asghar Bilgrami

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 May 2005.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-20 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 29 April 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shapiro et al (U.S. Pub No. 2002/0161917 A1) and Nataraj et al (U.S. 6,757,779).

3. As per claims 1-4, 10, 11, 14 & 20 Shapiro disclosed a method of routing signals in a communication network (page 1, paragraph 10). However Shapiro did not explicitly disclose, utilizing a policy-based route, said step of utilizing a policy route including the steps of comparing destination address of a received signal to one or more known destination addresses; determining a destination for said received signal in accordance with a source identifier in said received signal when the destination address of said received signal does not match any one of said known destination addresses; and determining route for said received, signal in accordance with a dynamic routing protocol.

In the same field of endeavor Nataraj disclosed utilizing a policy-based route, said step of utilizing a policy route including the steps of comparing destination address of a received signal to one or more known destination addresses; determining a destination for said received signal in

Art Unit: 2143

accordance with a source identifier in said received signal when the destination address of said received signal does not match any one of said known destination addresses; and determining route for said received, signal in accordance with a dynamic routing protocol (col.1, lines 32-52). At the time the invention was made it would have been obvious to one in the ordinary skill in the art to incorporate a signal having a source identifier and parameters as taught by Nataraj as one of the criteria to the routing device as taught by Shapiro in order to route the network traffic in an efficient manner and in as a result increasing the robustness and efficiency of a network.

4. As per claim 5 Shapiro disclosed the router according to claim 4 wherein the plurality of traffic parameters comprises a source address and a destination address (Nataraj, col.1, lines 63-67).

5. As per claims 6, 8, 15 & 17 Shapiro disclosed the router according to claim 5 further comprising a source address look-up table having stored source address and an address of a related Internet service provider and wherein the route selection is made in accordance with the result of a comparison of source address in the packet with stored source address in the source address look-up table (Shapiro, paragraph 9).

6. As per claim 7 Shapiro disclosed the router according to claim 6 wherein the source address look-up table comprises a hardware look-up table (Shapiro, paragraph 44).

Art Unit: 2143

7. As per claims 9 & 16 Shapiro disclosed the method of claim 15 wherein the step of storing known destination addresses in a destination address look-up table comprises storing known destination addresses in a hardware look-up table (Shapiro, paragraphs.44, 49, 50).

8. As per claims 12 & 18 Shapiro disclosed the method of claim 10 further comprising storing an ISP for one or more source identifiers, and wherein the destination may be determined in accordance with said stored ISPs (Nataraj, col.1, lines 32-51).

9. As per claims 13 & 19 Shapiro disclosed the method of claim 10 wherein the step of forwarding the received signal to said destination in accordance with a dynamic routing protocol comprises forwarding said received signal in accordance with an exterior gateway protocol (Shapiro, paragraphs.5 & 13).

### *Response to Arguments*

10. Applicant's arguments filed 05/25/2005 have been fully considered but they are not persuasive.

11. When reviewing a reference the applicants should remember that not only the specific teachings of a reference but also reasonable inferences which the artisan would have logically drawn therefrom may be properly evaluated in formulating a rejection. In re Preda, 401 F. 2d 825, 159 USPQ 342 (CCPA 1968) and In re Shepard, 319 F. 2d 194, 138 USPQ 148 (CCPA 1963). Skill in the art is presumed. In re Sovish, 769 F. 2d 738, 226 USPQ 771 (Fed. Cir. 1985). Furthermore, artisans must be presumed to know something about the art apart from what the references disclose. In re Jacoby, 309 F. 2d 513, 135 USPQ 317 (CCPA 1962). The conclusion of obviousness may be made from common knowledge and common sense of a person of ordinary skill in the art without any specific hint or suggestion in a particular reference. In re Bozek, 416 F.2d 1385, 163 USPQ 545 (CCPA 1969). Every reference relies to some extent on

Art Unit: 2143

knowledge of persons skilled in the art to complement that is disclosed therein. In re Bode, 550 F. 2d 656, 193 USPQ 12 (CCPA 1977).

12. The applicant argued “neither Shapiro nor Nataraj, whether taken alone or in any reasonable combination disclose, teach, or render obvious “a policy-based route determined in accordance with a dynamic routing protocol”.

13. As to applicants arguments Nataraj discloses the policy based routing in the background section of the art (coll, lines 32-67). Additionally it is common for the one in the ordinary skill in the art to know that routers can use dynamic routing protocol to forward packets on a certain route based on a set policy.

### *Conclusion*

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Art Unit: 2143

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asghar Bilgrami whose telephone number is 571-272-3907. The examiner can normally be reached on M-F, 8:00-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



AB

Asghar Bilgrami  
Examiner  
Art Unit 2143



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